



BENNY L. JASSO, MAYOR

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POPULATION 24,078

Pursuant to Section 3-23-6(C) NMSA 1978 Comp., the undersigned owner of the rental property/properties listed below hereby notifies the City of Deming, NM that any public utility charges incurred by the renter(s) in the property/properties listed below will not be the responsibility of the owner.

In accordance to City of Deming 9-6-5 subsection (H), it is the responsibility of the property owner to maintain proof of filing of each disclaimer on an annual basis, no later than January 10 of each year.

Sincerely,

Printed Name of Property Owner

Signature of Property Owner

Property Owner Address

Date

Phone

Property/Properties List:

**CITY OF DEMING, NEW MEXICO
ORDINANCE NO. 1266**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 6, SECTION 5:
PAYMENT OF BILLS; DELINQUENT ACCOUNTS, OF THE MUNICIPAL CODE OF THE
CITY OF DEMING, NEW MEXICO**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO THAT TITLE 9, CHAPTER 6, SECTION 5: PAYMENT OF BILLS; DELINQUENT ACCOUNTS, OF THE MUNICIPAL CODE OF THE CITY OF DEMING, NEW MEXICO BE AMENDED TO THE FOLLOWING:

9-6-5: BILLING, PAYMENT OF BILLS; DELINQUENT ACCOUNTS:

H. Property Owner Disclaimer: Property owners shall file an annual written disclaimer, in accordance with New Mexico Statutes Annotated 3-23-6 subsection C, to relieve themselves from the responsibility delineated in subsection D of this section of any utility charges that their renters may incur, the disclaimer must include the property owner's full name, location and number of rental properties that will be disclaimed. Proof of ownership, such as a warranty deed, of the location proposed for disclaimer shall be provided to the city in conjunction with the annual filing of the disclaimer. The disclaimer does not relieve the property owner of any debt incurred prior to submitting the disclaimer to the city of Deming. Upon receipt of annual disclaimers, the city will date stamp and keep a copy for the records. **It is the responsibility of the property owner to maintain proof of filing of each disclaimer on an annual basis, no later than January 10 of each year.**

I. Landlord Standby: Landlord standby status is a service available to property owners when an owner's rental property is vacant or between tenant occupancy. Landlord standby service will automatically transfer billed utility services to the property owner when a tenant disconnects utility services or the city disconnects utility services for nonpayment. No additional deposit, disconnection or reconnection fees are applicable as long as the owner is in good standing and no outstanding amounts are due from a previous landlord standby status. Landlords shall annually provide written notice to the utility department for each individual property address to be listed under landlord standby.

9-4-2: WATER METERS

E. Responsibility For Payment: The property owner and occupant shall be jointly and severally liable for debt and money due on open account to the city in an action waged by the city in any court of competent jurisdiction for the amount of all such rates as may be due and unpaid, together with all penalties provided herein and costs, except as delineated in subsection F of this section. **No change of ownership or occupancy shall affect the application of this section.**

**New Mexico Statutes; Chapter 3: Municipalities; Article 23: Public Utilities; 3-23-6(C);
Universal Citation**

3-23-6. Charge for service of municipal utility becomes a lien against the property served; exception.

A. Any charge imposed by ordinance for service rendered by a municipal utility, including an entity established pursuant to Section 72-1-10 NMSA 1978, except as indicated in Subsection C of this section, shall be:

(1) payable by the owner, personally, at the time the charge accrues and becomes due; and

(2) a lien upon the tract or parcel of land being served from such time.

B. The lien shall be enforced in the manner provided in Sections 3-36-1 through 3-36-5 NMSA 1978. In any proceedings where pleadings are required, it shall be sufficient to declare generally for the municipal utility service. Notice of the lien shall be filed in the manner provided in Section 3-36-1 NMSA 1978, and the effect of such filing shall be governed by Section 3-36-2 NMSA 1978.

C. Subsection A of this section shall not apply if an owner notifies the municipality that utility charges that may be incurred by a renter will not be the responsibility of the owner. Such notification shall be given in writing prior to the initiation of the debt and shall include the location of the rental property.